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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,204	02/08/2002	Adrian J.W. Angell	7728	8045

27752 7590 11/03/2003

THE PROCTER & GAMBLE COMPANY  
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CINCINNATI, OH 45224

EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/049,204

Applicant(s)  
Angell et al

Examiner  
Charles Boyer

Art Unit  
1751



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 30, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-21, 23-31, and 33-42 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-21, 23-31, and 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### **DETAILED ACTION**

This action is responsive to applicants' request for continued examination received September 30, 2003. Claims 17-21, 23-30, and 32-42 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-21, and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by

Gioffre et al, US 4,592,855.

Gioffre et al teach effervescent compositions having a cleansing action (see abstract). An example of such a composition is prepared by heating zeolite A in an oven for 1.5 hours to remove water, subjecting the dried zeolite to carbon dioxide under pressure, and then blending the carbon dioxide-containing zeolite into a composition comprising sodium lauryl sulfate and peppermint oil (cols. 7-8, examples 1-4). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the compositions of Gioffre et al do not contain a perfume. The examiner respectfully disagrees and notes that while Gioffre et

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al refer to peppermint oil as a "flavoring oil," as peppermint oil will emit a strong peppermint odor, the perfume limitation is satisfied.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-22, 24-31, and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baule FR 891,661.

Baule et al teach a method for absorbing oxygen into aluminosilicates for incorporation into detergents (see entire document). The aluminosilicates are subjected to a gaseous current loaded with oxygen, such that the oxygen will be released during use of the detergent (page 2, claims 1-4). Baule et al do not teach specific method steps of the present claims such as heating the zeolite prior to loading with a gas, however, as one of ordinary skill in the art is aware the zeolite must be dried before it can effectively absorb the gas, such method steps are obvious preparatory steps in the invention of Baule et al.

Applicants have traversed this rejection on the grounds that Baule et al do not teach a perfume. The examiner acknowledges that a perfume is not specifically taught, however,

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detergents containing fragrances are ubiquitous in the art and any detergent that does not contain a fragrance is far and away the exception and not the norm. Accordingly, the examiner maintains that as virtually all detergents contain a fragrance, the inclusion of a fragrance in the detergent of Baule et al is an obvious design choice to one of ordinary skill in the art.

5. Claims 28-30 and 32-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gioffre et al, US 4,592,855.

Gioffre et al are relied upon as set forth above. Note that the effervescent zeolites of Gioffre et al may be incorporated into powdered cleansers, liquid cleansers, and stain removing compositions (col. 3, lines 35-41). Though Gioffre et al do not make specific mention of laundry detergents, the examiner maintains that this broad disclosure encompasses laundry detergents and as example 3 contains at least one builder and one surfactant commonly employed in laundry detergents, the composition of example 3 will inherently clean laundry. Accordingly, the claim limitations are satisfied.

Applicants have traversed this rejection on the grounds that the compositions of Gioffre et al do not contain a perfume. The examiner respectfully disagrees and notes that while Gioffre et al refer to peppermint oil as a "flavoring oil," as peppermint oil will emit a strong peppermint odor, the perfume limitation is satisfied.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

October 30, 2003